

[Counsel listed on next page]

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

CYNTHIA BROOKS, and JACOB SWOYER) **Case No. C12-4935 EMC (JSC)**
on Behalf of Themselves and All Others) [Assigned for all purposes to the Honorable
Similarly Situated,) Edward M. Chen]
Plaintiffs,)
v.) **REVISED STIPULATION REGARDING**
U.S. BANK, N.A.,) **HEARING AND CASE MANAGEMENT**
Defendant.) **CONFERENCE DATE; [PROPOSED]**
) **ORDER**
Complaint Filed August 21, 2012

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U.S. BANK, N.A.

1 Plaintiffs CYNTHIA BROOKS and JACOB SWOYER (collectively "Plaintiffs") and
2 Defendant U.S. BANK, N.A. ("Defendant") (collectively "Parties") hereby stipulate as follows:

3 **WHEREAS**, on September 23, 2013, the Parties informed the Court that they expected to
4 enter into a written settlement agreement and would submit a motion for preliminary approval of that
5 settlement, and therefore requested that certain case deadlines be continued and/or stayed (Dkt. 40);

6 **WHEREAS**, on September 24, 2013, the Court approved the Parties' joint stipulation re-
7 setting Defendant's deadline to file its reply in support of its Motion to Dismiss and/or Strike to
8 November 21, 2013, with a hearing and case management conference set for December 5, 2013
9 (Dkt. 41);

10 **WHEREAS**, on November 15, 2013, the Court *sua sponte* re-set the hearing on Defendant's
11 Motion to Dismiss and/or Strike and the Parties' case management conference to December 10, 2013
12 at 1:30 p.m. (Dkt. 42);

13 **WHEREAS**, Defendant's counsel is unavailable on that date and the Parties met and
14 conferred regarding availability on other dates and times;

15 **WHEREAS**, the Parties submitted a stipulation to the Court on November 20, 2013
16 requesting an order to re-set the case management conference, Motion to Dismiss and/or Strike reply
17 and hearing deadlines, and to schedule the preliminary approval hearing to specific dates (Dkt. 43);

18 **WHEREAS**, the Court's clerk emailed the Parties on November 22, 2013, notifying the
19 Parties that the Court is not available on the dates proposed by the Parties' stipulation (Dkt. 43),
20 requesting the Parties to meet and confer and submit a revised stipulation to the Court, and advising
21 that the Court is available on January 23, 2014 and February 6, 2014 for the preliminary approval
22 hearing if Plaintiffs file a motion for preliminary approval on December 12, 2013;

23 **WHEREAS**, the Parties met and conferred and determined that both Parties are available for
24 both a case management conference and preliminary approval hearing on February 6, 2014;

25 **NOW, THEREFORE**, the Parties hereby stipulate to and request an Order setting forth the
26 following:

1. The Parties' case management conference is re-scheduled to February 6, 2014 at 1:30 p.m.;
 2. Plaintiffs will file a Motion for Preliminary Approval of the proposed settlement no later than December 12, 2013;
 3. Defendant will not oppose Preliminary Approval of the proposed settlement;
 4. The Court will hear Plaintiffs' Motion for Preliminary Approval of the proposed settlement on February 6, 2013 at 1:30 p.m.;
 5. The deadline for Defendant to file its reply brief in support of its Motion to Dismiss and/or Strike is postponed until February 27, 2014, with the understanding that this deadline shall be indefinitely continued if the Court grants Plaintiffs' Motion for Preliminary Approval; and
 6. The hearing on Defendant's Motion to Dismiss and/or Strike is re-scheduled to March 6, 2014 at 1:30 p.m. or another day and time agreeable to the Court, with the understanding that this hearing shall be indefinitely continued if the Court grants Plaintiffs' Motion for Preliminary Approval.

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1 Dated: November 22, 2013

2 By: /s/ Eve H. Cervantez
3 Eve H. Cervantez

4 Pursuant to N.D. Cal. L.R. 5-1(i)(3), the filer
5 attests that concurrence in the filing of this
6 document has been obtained from the above
7 signatory.

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26 Dated: November 22, 2013

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ORDER

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PURSUANT TO STIPULATION, AND FOR GOOD CAUSE SHOWN, IT IS SO
3 ORDERED.

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Dated: November²⁶, 2013

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